

## Tender Specifications

### attached to the Invitation to tender

#### Invitation to tender N° EMSA/NEG/48/2015 for Upgrade and maintenance of access control system and other security associated services

##### 1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC of the European Parliament and of the Council to contribute to the enhancement of European maritime safety. Among its tasks, the Agency needs to assure effective internal functioning of the organisation including the operation of its security access control system.

EMSA has in operation its security access control system which needs to be expanded and enhanced.

##### 2. Objective, scope and description of the contract

The objective of this call for tender is to establish framework service contract for a provision of services in the area of security, in particular an upgrade and maintenance of EMSA's existing **access control system**, **purchase of security devices and acquisition of security associated services such as security consultancy** for the EMSA's premises located at Praça Europa 4, Lisbon, 1249-206, Portugal.

###### 2.1 Provision of services

- a) Migration of the existing security software system to EMSA's Datacentre
- b) Upgrades and maintenance of existing and new security software
- c) Installation of new hardware equipment including proximity readers, additional cards receptors, cabling, etc.
- d) Software customisation, programming and training
- e) Preventive maintenance, where the contractor will be requested to carry out one (1) preventative maintenance visit per year. The preventative maintenance should include hands on preventive maintenance, at least such as necessary upgrades of security software, control of hardware equipment and transportation of contractor's staff to EMSA's premises. After each visit, a report needs to be provided including description of equipment condition and all works undertaken during the maintenance visit.

###### 2.2 Provision of supply of new security devices and spare parts

- a) New equipment: the tenderer should present a catalogue of hardware equipment (including prices) such as proximity readers, additional cards receptors and other security related items.

- b) Security software licences
- c) Original Equipment Manufactural (OEM) parts and equipment replacement in order to carry out the preventative maintenance.

### **2.3 Provision of Security consultancy**

- Security consultancy service on an ad-hoc basis for new projects.

### **3. Contract management responsible body.**

The European Maritime Safety Agency – Unit A.2.3, in charge of Facilities and Logistics - will be responsible for managing the contract.

### **4. Project Planning**

**Signature of the contract:** Works shall not be started before the signature of the Framework Service Contract.

**Kick-off meeting:** After the signature of each specific contract, a kick-off meeting may be held in order to present a work breakdown structure of the tasks and to define the details of the work to be undertaken.

EMSA may call for additional meetings if this should be considered necessary for the better execution of a project.

### **5. Timetable**

The Framework Contract will have maximum duration of four (4) years.

The estimated date for signature of the contract is end of November 2015/ beginning of December 2015.

The estimated date for the start of the service, i.e. launch of the first specific contract, is December 2015.

### **6. Estimated Value of the Contract**

The maximum budget available for this contract is of 25.000 Euro excluding VAT, for the maximum duration of 4 years.

### **7. Terms of payment**

Payment will be made in accordance with the provisions of the draft contract available in the Procurement Section under the call to tender EMSA/NEG/48/2015 on the EMSA website at the following address:

[www.emsa.europa.eu](http://www.emsa.europa.eu)

### **8. Terms of contract**

In drawing up a bid, the tenderer should bear in mind the terms of the draft contract.

EMSA may, before the contract is signed, either abandon the procurement or cancel the award procedure without the tenderers being entitled to claim any compensation.

## 9. Subcontracting

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners he shall indicate in his offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. (NB: overall responsibility for the work remains with the tenderer).

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and when applicable on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria<sup>1</sup>. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.

## 10. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. The working language of the Agency is English. Bids must include an English version of the documents requested under point 13.4 & 14 of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners (Join Offers) he shall indicate in his offer by completion of the form – Information regarding joint offers and subcontracting. The tender must be presented as follows and must include:

**Signed cover letter** indicating the name and position of the person authorised to sign the contract/Purchase Order and the bank account on which payments are to be made.

**Financial Form** completed, signed and stamped; available on the Procurement Section (Financial Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

**Legal Entity Form** completed, signed and stamped and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already been completed and sent either to EMSA or any EU Institution previously. In this case the tenderer

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<sup>1</sup> To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

**Part A:** all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **9, 12, 13.2, 13.3** of these specifications (**Exclusion criteria**)

**Part B:** all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Technical and professional capacity** (part of the Selection Criteria) set out under point **13.4** of these specifications.

**Part C:** all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under point **14** of these specifications;

**Part C:** setting out prices in accordance with point 11 of these specifications.

## 11. Price

- Price must be quoted as follows and submitted together with all the tender documentation:
  - a) Price for **the access control software upgrade** as described in Annex B attached to this Tender Specifications. **The Annex B, point 1** shall be filled in accordingly.
  - b) Price per **one man hour for installation of new hardware equipment** as described in point 2.1, point c) above. **The Annex B, point 2** shall be filled in accordingly.
  - c) Price per **preventative maintenance**: The tenderer should present a single price per year for the preventative maintenance as described in point 2.1, point e) above. **The Annex B, point 3** shall be filled in accordingly.
  - d) Price per **one man hour for security consultancy service** as described in point 2.3. **The Annex B, point 4** shall be filled in accordingly.
- Prices must be fixed amounts and non-revisable.
- Prices must be quoted in euro.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, the latter is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. Therefore price and the amount of VAT must be shown separately.

## 12. Joint Offer

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

### **13. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of technical and professional capacity required.**

#### **13.1 Legal position – means of proof required**

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu).

#### **13.2 Grounds for exclusion – Exclusion criteria**

To be eligible to participate in this contract award procedure, tenderers must not be in any of the following exclusion grounds:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

### 13.3 Evidence to be provided by the tenderers

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website ([www.emsa.europa.eu](http://www.emsa.europa.eu)) shall be completed and signed.

### 13.4 Technical and professional capacity – Selection criteria

Requirements:

The tenderer must have relevant technical and professional capacity to install and provide maintenance services of security devices as mentioned in point 2 above and should comply with all Portuguese Legislation including Lei no. 34/2013 and being accredited from SIGESP (Sistema Integrado de Gestão de Segurança Privada).

Evidence:

The tenderer must present:

- A list of clients of the last 5 years where similar goods and services have been provided
- Proof of registration in SIGESP (Sistema Integrado de Gestão de Segurança Privada)

### 14. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The contract will be awarded to the tenderer who submits the most economically advantageous bid (the one with highest score) based on the following quality criteria and their associated weightings:

1. Quality criterion 1 ( $W_1 = 20\%$ ), **Quality of preventive maintenance in accordance with point 2.1.(e) above:** Proposed preventative maintenance plan including scheduling and means of communication.
2. Quality criterion 2 ( $W_2 = 30\%$ ), **Quality of the scenario solution:** Based on the response to the scenario presented in **Annex A**. The solution to be presented for the scenario should include: detailed plan of installation of a new system, detailed plan of data migration from old to new system and total estimation of the effort.

and the price criterion and associated weighting:

3. Price of the bid ( $W_{Price} = 50\%$ ). Price of **all items quoted** for in Annex B, point 1 + **One (1) man hour of Installation of new hardware equipment** as quoted for in Annex B, point 2 + **One (1) year preventative maintenance** as quoted for in Annex B, point 3 + **Price per one (1) man hour of security consultancy service** as quoted for in Annex B, point 4.

Price = Annex B total of Point 1 + Point 2 + Point 3 + Point 4

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion  $i$  is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

$$SP = \sum_i \frac{\text{lowest Price}_i \text{ of all bids}}{\text{Price}_i} * 100 * W_{\text{Price}_i}$$

Only bids that have reached a minimum of 60 % for  $Q_1$ , a minimum of 60 % for  $Q_2$ , etc. will be taken into consideration when calculating the score for quality  $SQ$ , score for price  $SP$  and score  $S$ .

Only bids that have reached a minimum of 60 % for the score  $S$  will be taken into consideration for awarding the contract.

**15. Contracts will not be awarded to tenderers who during the procurement procedure:**

- (a) are subject to a conflict of interest
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

## **16. False declarations**

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in points 12 and 13 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement procedure or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

## **17. Intellectual Property Right (IPR)**

Please consult the contract for IPR related clauses.

If the results are not fully created for the purpose of the contract this should be clearly pointed out by the tenderer in the tender. Information should be provided about the scope of pre-existing rights, their source and when and how the rights have been or will be acquired.

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.